

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jared Goyette, Craig Lassig, Michael
Shum, Katie Nelson, Tannen Maury,
Stephen Maturen, and The
Communications Workers of America, *on
behalf of themselves and other similarly
situated individuals,*

Plaintiffs,

v.

Court File No.:
0:20-cv-01302 (WMW/DTS)

City of Minneapolis; Minneapolis Chief
of Police Medaria Arradondo *in his
individual and official capacity*;
Minneapolis Police Lieutenant Robert
Kroll, *in his individual and official
capacity*; Minnesota Department of
Public Safety Commissioner John
Harrington, *in his individual and official
capacity*, Minnesota State Patrol Colonel
Matthew Langer, *in his individual and
official capacity*; and John Does 1-10, *in
their individual and official capacities*,

Defendants.

DECLARATION OF ISABELLA SALOMÃO NASCIMENTO

My name is Isabella Salomão Nascimento. I declare under penalty of perjury under
the laws of the United States of America that the following is true and correct:

1. I am a staff attorney for the ACLU-MN.

2. I collected all of the statements and images referenced herein from the public Twitter pages of the individuals—members of the press—named below.

3. Jared Goyette (@JaredGoyette) is a named Plaintiff in the above-captioned matter. He is a freelance journalist, covering the Daunte Wright protests as a member of the press, and he has documented his experiences on Twitter.

- a. At 10:15 p.m., on April 11, 2021, Mr. Goyette tweeted that he “[j]ust had flash bangs go off next to me. The police commands are completely inaudible.” (Tweet *available at* <https://twitter.com/JaredGoyette/status/1381445839130918912>).
- b. On April 12, 2021, at 8:46 p.m., Mr. Goyette tweeted that he was present at one of the “main protester / police standoffs” in Brooklyn Center, Minnesota, near “the church.” (Tweet *available at* <https://twitter.com/JaredGoyette/status/1381785715604914181>). He continued: “State Troopers push the crowd back.” *Id.*
- c. On April 12, 2021, at 8:54 p.m., Mr. Goyette tweeted that he “[w]as at my car but pushed / directed back toward the police department by state patrol carrying assault rifles.” (Tweet *available at* <https://twitter.com/JaredGoyette/status/1382150200425336834>).
- d. On April 13, 2021, at 9:14 p.m., Mr. Goyette tweeted that he was “[t]rying to stay back but keep eyes on what’s happening.” (Tweet *available at* <https://twitter.com/JaredGoyette/status/1382155315349762064>). He

continued, “With all due respect, that is our job @MinnesotaOSN [Operation Safety Net].” *Id.*

- e. On April 13, 2021, at 11:55 p.m., Mr. Goyette tweeted that he was “home safe,” but “frustrated by @MinnesotaOSN’s inability to respect or understand that the [F]irst [A]mendment protects journalists’ right to cover events of public interest, even when there is a curfew, and even when there is a dispersal order.” (Tweet *available at* <https://twitter.com/JaredGoyette/status/1382195855495630848>).

4. Nicholas Bogel-Burroughs (@NickatNews) is a reporter for the New York Times. He attended and documented his experience as press during the Daunte Wright protests on Twitter.

- a. On April 13, 2021, at 9:02 p.m., Mr. Bogel-Burroughs posted an image of thick white smoke, captioned “Minnesota State Patrol officers are moving in from the side and ordering people in Brooklyn Center to leave.” (Tweet *available at* <https://twitter.com/NickAtNews/status/1382152255714045952>). He continued, “They’re also specifically ordering news media to leave.” *Id.*
- b. On April 13, 2021, at 9:42 p.m., Mr. Bogel-Burroughs posted a video with the caption, “Minnesota State Patrol officers just rushed in and appeared to arrest several people in Brooklyn Center on Day 3 of #DaunteWright protests. That came immediately after police fired flashbangs and after about 45 mins of repeatedly ordering the news

media, in particular, to leave.”
 (Tweet *available at* <https://twitter.com/NickAtNews/status/1382162348962680832>).

5. Chad Davis (@daviss) is a Minneapolis photojournalist. He attended and documented his experiences as press during the Daunte Wright protests on Twitter.

- a. On April 12, 2021, at 12:56 a.m., Mr. Davis posted a video with the caption, “VIDEO: Brooklyn Center Police begin shooting at protesters (and media). From earlier this evening.” (Tweet *available at* <https://twitter.com/daviss/status/1381486341335048196>).
- b. On April 12, 2021, at 8:23 p.m., Mr. Davis tweeted, “Another dispersal order given and they said all media all media [sic] is to gather in front of 67th and Humboldt.” (Tweet *available at* <https://twitter.com/daviss/status/1381780129207189505>).
- c. On April 12, 2021, at 9:13 p.m., Mr. Davis posted an image captioned, “Canisters being shot all over the place as people continue to get pushed further away. Again the media are asked to meet at 67th and Humboldt.” (Tweet *available at* <https://twitter.com/daviss/status/1381792537292181510>).

6. Evan Frost (@efroste) is a photojournalist for MPR News. He attended and documented his experiences as press during the Daunte Wright protests on Twitter.

- a. On April 11, 2021, at 11:49 p.m., Mr. Frost posted a video captioned, “Police are issuing more dispersal orders, stun grenades and tear gas. Say

they will arrest anyone who does not disperse in 10 minutes including journalists.” (Tweet *available at* <https://twitter.com/efroste/status/1381469408506347522>).

7. Carlos Gonzalez (@CarlosGphoto) is a photojournalist at the Star Tribune. He attended and documented his experiences as press during the Daunte Wright protests on Twitter.

a. On April 12, 2021, at 9:22 p.m., Mr. Gonzalez posted a video recording himself being pepper sprayed by Minnesota State Patrol captioned, “I was pepper sprayed in the eye while photographing the scene at the Brooklyn Center Police Department.” (Tweet *available at* <https://twitter.com/CarlosGphoto/status/138179476>). He continued, “I had cameras & my press credentials clearly in view. It came from the side w/o warning I was shooting so I didn’t even see it coming.” *Id.*

8. Kim Hyatt (@kimvhyatt) is a reporter for the Star Tribune. She attended and documented her experiences as press during the Daunte Wright protests on Twitter.

a. On April 13, 2021, at 8:59 p.m., Ms. Hyatt tweeted that the police were “telling media to leave.” (Tweet *available at* <https://twitter.com/kimvhyatt/status/1382151581521616896>).

b. On April 13, 2021, at 9:20 p.m., Ms. Hyatt posted two images, both captioned “The police line pushing protesters back and they keep announcing ‘media and press leave the area.’” (Tweet *available at* <https://twitter.com/kimvhyatt/status/1382156770496352258>).

- c. On April 13, 2021, at 9:38 p.m., Ms. Hyatt posted a video, the still image which shows her large, yellow “PRESS” credentials, with the caption, “They’re making arrests and physically grabbing press and telling us to leave.” (Tweet *available at* <https://twitter.com/kimvhyatt/status/1382161297157062661>).
- d. On April 13, 2021, at 9:45 p.m., Ms. Hyatt tweeted, “Law enforcement came around the backside of the apartment out of nowhere and starting grabbing people including myself.” (Tweet *available at* <https://twitter.com/kimvhyatt/status/1382163062048841729>). She continued, “I saw several people on the ground. The officer who forcefully grabbed me told me to ‘get the hell out of here.’” *Id.* “I was holding up my press badge,” she wrote. *Id.*
- e. On April 13, 2021, at 9:48 p.m., Ms. Hyatt tweeted, “The curfew isn’t effective till 10 p.m. But they announced this was an unlawful assembly and told the media to leave around a dozen times.” (Tweet *available at* <https://twitter.com/kimvhyatt/status/1382163875215327233>).
- f. On April 13, 2021, at 9:58 p.m., Ms. Hyatt tweeted, “Still a few dozen people here but most left. Some media remain. I’m done for the night after that.” (Tweet *available at* <https://twitter.com/kimvhyatt/status/1382166261707182082>).

9. Andrew “Andy” Mannix (@AndrewMannix) is a reporter for the Star Tribune. He attended and documented his experiences as press during the Daunte Wright protests on Twitter.

- a. On April 11, 2021, at 11:30 p.m., Mr. Mannix posted a video captioned, “Police declaring unlawful assembly[,] Saying that includes media.” (Tweet *available at* <https://twitter.com/AndrewMannix/status/1381464797565304836>).
- b. On April 12, 2021, at 8:04 p.m., Mr. Mannix tweeted, “Police calling curfew violation.. said media had to gather in specific spot.” (Tweet *available at* <https://twitter.com/AndrewMannix/status/1381775327748325376>).
- c. On April 13, 2021, at 10:06 a.m., Mr. Mannix posted a video taken in front of the Brooklyn Center Police Department captioned, “The sheer amount of gas was overwhelming. I had a gas mask, but it must not have sealed completely, and I can still [feel] it on my face this morning. Some [people] were really taken out by the chemicals, wheezing and falling over screaming.” (Tweet *available at* <https://twitter.com/AndrewMannix/status/1381987107015692295>).
- d. On April 13, 2021, at 9:33 p.m., Mr. Mannix tweeted “Toward the end, patrol was firing a lot of projectiles. One bounced off the bottom of my boot as I was walking away.” (Tweet *available at* <https://twitter.com/AndrewMannix/status/1382159998457896960>).

10. Mark Vancleave (@MDVancleave) is a video journalist for the Star Tribune. He attended and documented his experiences as press during the Daunte Wright protests on Twitter and on Instagram.

- a. On April 13, 2021, at 8:36 p.m., Mr. Vancleave reposted a video by user @AndrewMannix, adding the caption, “Because of an injury I received last night, I won’t be on the ground covering events in Brooklyn Center.” (Tweet *available at* <https://twitter.com/MDVancleave/status/1382145668978941955>).
- b. On April 14, 2021, at approximately 9:00 a.m., Mr. Vancleave posted as Instagram story an image of himself with his hand bandaged, with a caption overlaying the image reading, “20 hours in the hospital and 1 surgery later, I finally made it home last night. It could be six weeks before I’m able to pick up a camera again.” See Exhibit 1.

11. Miguel Otárola (@motarola123) is a climate and environmental reporter for CPR News. He posted an image on Twitter of a colleague, Mark Vancleave, who was injured while covering the Daunte Wright protests.

- a. On April 13, 2021, at 7:51 p.m., Mr. Otárola posted a screenshot image of a bloodied, bruised finger, captured from an Instagram story by user @mdvancleave. (Tweet *available at* <https://twitter.com/motarola123/status/1382134267526873090>). Over the screenshot is printed in white letters, “Took a rubber bullet to the hand tonight. Ring finger broken x2.” *Id.* Mr. Otárola captioned his image, “Because I haven’t seen it on here

yet: The police shot my friend and videojournalist @MDVanceleave with a rubber bullet while he covered protests at Brooklyn Center last night. They broke his ring finger & he had to have surgery. Just an example of the force they're using." *Id.*

12. Unicorn Riot (@UR_Ninja) is a non-profit media organization. Its reporters attended and documented their experiences as press during the Daunte Wright protests on Twitter.

- a. On April 11, 2021, at 10:22 p.m., Unicorn Riot tweeted that "[a] journalist wearing a PRESS vest was just shot in the chest w riot munitions by police in Brooklyn Center." (Tweet *available at* https://twitter.com/UR_Ninja/status/1381447532262404096).
- b. On April 11, 2021, at 11:27 p.m., while broadcasting a live video feed of the Daunte Wright protests, Unicorn Riot tweeted, "A police officer sounding aggravated over the loudspeaker at the Brooklyn Center just said the unlawful assembly means everyone must leave or face arrest. He made sure to say 'this includes the media.'" (Tweet *available at* https://twitter.com/UR_Ninja/status/1381463907630411778). The organization continued, "Tear gas being fired again now." *Id.*
- c. On April 11, 2021, at 11:27 p.m., Unicorn Riot tweeted, "The officer again tells people to disperse, making sure to repeat 'this includes the media' when issuing threats to the crowd." (Tweet *available at* https://twitter.com/UR_Ninja/status/1381464075209691141).

- d. On April 11, 2021, at 11:34 p.m., Unicorn Riot tweeted, “Dispersal warning w threat of arrest (‘this includes the media’) repeated again just now.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1381465802495381505).
- e. On April 11, 2021, at 11:38 p.m., Unicorn Riot tweeted, “‘If you do not cease your unlawful behavior...you will be arrested...you have no time remaining...you must leave now...this includes the media[.]’” (Tweet *available at* https://twitter.com/UR_Ninja/status/1381466720678858755).
- f. On April 11, 2021, at 11:40 p.m., while broadcasting a live video feed of the Daunte Wright protests, Unicorn Riot tweeted, “A large additional line of police is moving in on remaining #DaunteWright protesters outside Brooklyn Park police station. Several people have been injured due to heavy use of OC gas/other police munitions being fired directly at protesters & reporters.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1381467312419602434).
- g. On April 12, 2021, at 9:14 p.m., Unicorn Riot tweeted, “The Brooklyn Center officers on the speaker earlier had told the media to go to 67th and Humboldt – which is where we are now, and the state troopers on scene don’t seem aware that media was told they could be here and are clearing the block.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1381792823435952128).

- h. On April 12, 2021, at 9:57 p.m., Unicorn Riot tweeted, “Journalist Louie Tran just arrested.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1381803582522023937).
- i. On April 13, 2021, at 9:08 p.m., Unicorn Riot tweeted, “‘Media and press you must leave the area. Media and press you must leave the area now’ – Minnesota State Patrol orders reporters to cease documentation of their actions towards #DaunteWright protesters.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1382153689977225218).
- j. On April 13, 2021, at 9:27 p.m., Unicorn Riot tweeted, “State Patrol once again specifically singling out media with orders to leave.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1382158417863786506).
- k. On April 13, 2021, at 9:35 p.m., while broadcasting a live video feed of the Daunte Wright protests, Unicorn Riot tweeted, “Officers just moved in on the crowd and made several arrests of #DaunteWright protesters. One officer just shot our ground reporter in the leg with some kind of impact round – it appeared to be deliberate and not accidental.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1382160507088506892).
- l. On April 13, 2021, at 9:41 p.m., Unicorn Riot tweeted, “A fair amount of the crowd seems to have dispersed o[r] moved on after that last police charge which grabbed at least a dozen people. Mostly only press remain

in the immediate vicinity of the police line, state patrol is still repeatedly ordering the press specifically to leave.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1382161958011490308).

m. On April 13, 2021, at 9:43 p.m., “‘Media leave the area...media and press leave the area now’ – state patrol for like the 100th time in the last half hour.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1382162658552594432).

n. On April 14, 2021, at 1:18 a.m., Unicorn Riot posted who images, one of which depicted a bloodied body part and was captioned, “Content Advisory: Blood[.] Our field reporter Niko had skin broken and blood drawn by an impact round fired at him by Minnesota police while he was documenting #DaunteWright protests on our stream tonight.” (Tweet *available at* https://twitter.com/UR_Ninja/status/1382216568332029953).

13. Minnesota Operation Safety Net (@MinnesotaOSN) (hereinafter “OSN”) is “[t]he official source of public safety information for the trial of former Minneapolis police officer Derek Chauvin.” *See* OSN Twitter 9. It provided official updates from Minnesota law enforcement officials during the Daunte Wright protests on Twitter.

a. On April 12, 2021, at 7:55 p.m., OSN tweeted a reminder that there was a “[t]emp. curfew until 6 a.m. in Hennepin, Anoka, Dakota, & Ramsey counties.” (Tweet *available at* <https://twitter.com/MinnesotaOSN/status>

/1381772886231420928). It listed exemptions to the curfew for, among others, “media.” *Id.*

Dated: April 14, 2020

/s/Isabella Salomão Nascimento

Isabella Salomão Nascimento